

From Elite Bargains to Constitutional Conventions: A Framework for Post-Election Reconciliation in Pakistan

Adeel Ahmed¹, Abdur Rehman Butt², Muhammad Shoaib Jamil³ and Muhammad Ahmad⁴

<https://doi.org/10.62345/jads.2025.14.3.69>

Abstract

This article examines whether post-election reconciliation in Pakistan can become an informal constitutional practice rooted in a progressive legal culture. It poses the question of whether the country can treat reconciliation not only as a one-time but also as a regular and consistent aspect of its political existence. The analysis is conducted with the aid of normative legal techniques. It involves conceptual analysis, traditional interpretation of the constitution and statutes, a comparison with Indonesia, as well as the reconciliation process following the Charter of Democracy (2006). The principal results are tripled. Reconciliation has been infrequent and not guided by specific rules, but by elites. Second, various structural obstacles hinder reconciliation. Third, alternative dispute-resolution (ADR) and restorative justice have their potential. Based on these findings, the article suggests that a multi-layered model exists. The model involves frequent societal recognition of election results, precise provisions of victory and concessions, a standing National Reconciliation Council, published coalition accords, civic education and press responsibility programs and legal support as a code of conduct before nomination. It also requires a broader application of mediation and restorative processes in the courtroom. The model suggests that these measures should be linked to a gradual development of a legal culture, thereby providing them with normative force by referencing Islamic notions of sulh (reconciliation), maslaha (public interest), and adl (justice). This must enhance democratic stability, although it will present a challenge to implement.

Keywords: Post-Election Reconciliation, Progressive Legal Culture, Constitutional Convention, Alternative Dispute Resolution, Charter of Democracy.

Introduction

The Pakistani democracy is based on the periodical general elections. The National Assembly is subject to election every five years under the Constitution of 1973, and the elected representatives

¹PhD, Department of Political Science, University of Gujrat, Pakistan. Email: ahmedwarraich40@yahoo.com

²Lecturer, Department of Media and Communication, University of Management and Technology, Sialkot Campus. Email: abdur.rehman@skt.umat.edu.pk

³Lecturer, University of Management and Technology, Sialkot Campus. Corresponding Author, email: muhammad.jamil@skt.umat.edu.pk

⁴Assistant Professor, Department of Management & Administrative Sciences, University of Narowal. Email: m.ahmad@uon.edu.pk



give their government the necessary authority. Elections thus play a dual role; they enable the citizens to elect their leaders and they legitimise the state. However, even elections may intensify societal cleavages. Ethnicity, religion, and personal rivalries, all fueled by campaigns, tend to divide communities. Following the elections, the government cannot be formed due to disputes over vote rigging or military interference. According to the Indonesian scholar Satjipto Rahardjo, elections not only offer society a way to express its collective will, but they also result in frictions that can endanger the nation's cohesiveness (Prasetio, 2025). The recent experience in Pakistan confirms this. Electoral manipulation claims characterised the 2018 general election; the 2024 elections were marked by the disconnection of mobile internet and social media censorship, as well as protests in the streets over the results. Despite these tensions, Pakistan lacks a formal mechanism for reconciling political opponents and healing post-election wounds.

This research article poses the question of whether it is possible to institutionalise post-election reconciliation in Pakistan as a constitutional convention or an unwritten norm, regarded by political actors as binding, and whether the principles of a progressive legal culture can inform such a convention. A progressive legal culture views the law as a social tool that moral values, empathy, and the public interest should guide. Although the idea originated in Indonesia, its focus on justice and solidarity aligns more closely with Islamic jurisprudence and South Asian political ethics (Aulia et al., 2023). Through this prism, the paper will examine Pakistan's electoral history, its legal system, and political culture, to propose a standard of reconciliation grounded in constitutional morality. Such a standard would prompt political leaders to publicly welcome election outcomes, avoid rhetorical hyperbole and work on national interests. The objective is to enhance unity in the country without compromising on democratic competition.

Literature Review

The process of institutionalising post-election reconciliation in Pakistan involves mediating constitutional governance, remedial justice processes, and a reformed legal culture to prevent electoral competition from becoming a chronic political disjuncture. Recent research is unanimous that the judiciary, in particular the Supreme Court of Pakistan (SCP), is a key political actor whose decisions predetermine incentives to reconcile and contest (Reayat et al., 2020), restorative justice and Alternative Dispute Resolution (ADR) represent strategic operational methods of healing political and communal divisions when combined with formal law (Mehmooda et al., 2024), and long-term structural constraints, such as the relation between civil and military, judicial populism, polarized media, and unequal citizens.

One large body of literature regards the SCP as a constitutional order enforcer and potentially a political disruptor. Discussions of the National Reconciliation Ordinance (NRO) court case highlight how the voiding of an executive-level agreement by the Court revived constitutional dominance, in addition to redefining elite strategic behaviour (Reayat et al., 2020). Associated literature on judicial behaviour cautions that the proliferation of the judiciary into clearly political areas, known as judicial populism, may undermine other institutions despite adjudicating individual cases, which creates an ironic impact on the reconciliation process over time (Brasted et al., 2019).

There is ample literature to support the idea that the principles of restorative justice (dialogue, Accountability, and reparation) are especially promising in Pakistan as long as they are applied to the local modalities (Mehmooda et al., 2024). The new legal frameworks in Pakistan (e.g., the Alternative Dispute Resolution Act of 2017 and the Juvenile Justice System Act of 2018) provide legal mechanisms through which mediation, diversion, and community-based resolution can be

availed, which can be utilised in the context of post-electoral reconciliation (ADR Act, 2017; JJSA, 2018). The mapping studies of the changing landscape of mediation emphasise that traditional fora (jirga, panchayat) have some helpful restorative practices; however, they involve risks of replicating social hierarchies. Thus, hybridisation (including regulatory safeguards, mediator accreditation, and connections to courts) is required (Mehmooda et al., 2024).

The comparative reconciliation theory offers policy-making normative perspectives. Minimalist positions emphasise the recovery of bare rule-based politics; deliberative positions insist on comprehensive public activities, truth-telling, and institutional reforms; and maximalist/religious-infused positions accentuate moral change and forgiveness (Verdeja, 2014). In the Pakistani context, researchers argue that a moderate solution is required: legal and institutional solutions (responsible trials, judicial controls) to achieve legitimacy, alongside restorative ones (truth commissions, mediation discussions, reparations) to address grievances and re-establish political identities (Verdeja, 2014).

Structural obstacles, civil–military dynamics, political culture, and constitutional ambivalence
Various sources emphasise that certain profound structural factors hinder reconciliation. The sustained civil-military tension and interventions in history have resulted in what others refer to as dissonant institutionalisation, which weakens the legitimacy of the electoral process and provides space to make extra-constitutional settlements (Brasted et al., 2019). Research on the lack of democracy in Pakistan reveals frequent constitutional changes and power struggles between the executive and judiciary, which contribute to further normative destabilisation (Bibi, 2018). Extremist mobilisation analyses and national goodwill also indicate that sectarianism, resource conflict (e.g., Baloch grievances), and unequal provincial development are some of the smouldering areas of political disintegration (Zia-ur-Rehman, 2023).

Elite pacts, especially their empirical case studies, are informative and educational. The post-2008 coalition deals and the Charter of Democracy (2006) suggest that negotiated elite settlements can generate substantive institutional reforms (e.g., the 18th Amendment) and temporarily stabilise transitions; however, their sustainability will be determined by institutionalisation rather than personalities (Ali, M., 2022; Guardian, 2024). Researchers thus insist on implementing reconciliation within the rules, in addition to episodic agreements (Reayat et al., 2020).

Recent studies of the 2024 election, its outcomes, and the restorative justice agenda of Pakistan affirm the claims of empirical strength and prescriptive stance put above. Policy institutes and mainstream media analyses highlight the fractured 2024 result, coalition building, and ongoing competition over legitimacy, all of which underscore the need for institutionalised reconciliation. (Nelson, 2025). Expansive empirical policy evaluations indicate that coalition deals in themselves are not the solution to the underlying motives of contestation. Instead, there is a need for hybrid institutional mechanisms and civic-education interventions to shift elite and mass incentives (Setyawan, 2025).

Equally, the current academic discourse on restorative justice in Pakistan, as well as some related scholarship in Indonesia on progressive legal culture, affirms that the mechanisms of reconciliation should have regulatory protections and accreditation as part of the process of ensuring that local hierarchies are not recreated. These papers support the premise of this paper that reconciliation should be multidimensional, encompassing constitutional norms, ADR/restorative processes, media reforms, civic reforms, and specific institutional redesign.

The pattern of prescription that appears across these literatures is clear and recurrent, namely, reconciliation has to be pursued as a multidimensional project, comprising constitutional enforcement (judicial independence, accountable institutions), controlled restorative practices

(ADR, mediation, truth-seeking), civic education and media reform, and de-politicisation of security institutions (Brasted et al., 2019; Mehmooda et al., 2024; Verdeja, 2014; BiBi, 2018). However, several empirical gaps exist: longitudinal analyses of the impact of ADR and mediation on political conflict, a systematic examination of the regulation of traditional forums to fulfill the requirements of human-rights standards ("Harmonizing Tradition with Modernity") and exact quantification of the impact of judicial interventions (e.g. NRO litigation) on altering the incentives of the elites over time (Reayat et al., 2020). However, it is crucial to fill these gaps to develop a viable program for institutionalising post-election reconciliation within a progressive legal culture.

Methodology and Analytical Framework

Normative Legal Research

The methodology of the study is normative legal research, employed explicitly in the Pakistani context, with a focus on constitutional conventions. Normative research is not merely the description of existing laws; it is the analysis of legal principles in relation to ethical and constitutional norms. The approach combines several steps:

Conceptual analysis

constitutional convictions, legal progressivism and post-electoral reconciliation.

Interpretation of statutes and the Constitution

The review of the Constitution of the Pakistani Republic (1973), laws regarding elections, and political accords, such as the Charter of Democracy (CoD), which was signed in 2006.

Comparative assessment

Based on post-election reconciliation experiences of Indonesia, and making modifications to fit the socio-legal realities of Pakistan.

Document and media review

interpreting recent news articles, scholarly literature and human rights evaluations to comprehend the situation around the 2024 general election and the dynamics of political relationships in general.

Progressive Legal Culture

Progressive legal culture is an interpretive framework, not a specific law. It also focuses on family values and virtuous social ideals in Indonesian jurisprudence, which calls on law practitioners to prioritise communal wellbeing over strict formalism (West, 1990). In the context of Pakistan, a progressive legal culture is grounded in the ethical principles of Islamic law, particularly in the concepts of *maslaha* (public interest), *adl* (justice), and *sulh* (conciliation), as well as cultural concepts such as *misaq* (social covenant) and *ittihad* (unity). According to it, legal procedures are supposed to create harmony and justice, rather than adding fuel to the dispute. In analysing the post-election behaviour, this method raises a question about whether political actors should act based on compassion, rather than vindictiveness, and pursue the common good. Progressive legal culture, therefore, creates a source of normativity in evaluating the meeting of societal values and constitutional aspirations in reconciliation efforts.

Constitutional Conventions

Constitutional conventions are unwritten rules that emerge from repeated political practice and are considered binding on political actors. They provide a loophole in the written constitution and facilitate the running of the government. In parliamentary systems, classic cases include the rule that the head of state appoints the leader of a majority in parliament as prime minister, or that the leader should step down after losing a vote of confidence. These conventions are not justiciable, that is, the courts cannot enforce them; however, they have moral and political sanctions in the event of a violation (Jaconelli, J., 2005). In the Indonesian work, the conventions are highlighted by three aspects: (1) they result from recurring actions of states; (2) they are based on political ethics and constitutional morality; and (3) they possess the ethical binding force, not legal. Using this framework, the article aims to build a convention of post-election reconciliation in Pakistan.

Pakistan's Historical Experience with Reconciliation

The Charter of Democracy and Coalition Politics (2006–2013)

By far, the most significant effort at formalisation of reconciliation has been the Charter of Democracy (CoD), which was signed by Benazir Bhutto of the Pakistan People's Party (PPP) and Nawaz Sharif of the Pakistan Muslim League (N) (PML-N) in London in May 2006. (Ali, M., 2022). The CoD was, in practice, an informal agreement of restraint between the PPP and PML-N.

The ethos of reconciliation of the CoD paid off following the 2008 general election. In 2010, the coalition enacted the 18th Amendment, which eliminated the president's power to dissolve parliament and devolved powers to the provinces. This era demonstrates that the reconciliation process can facilitate significant constitutional changes and involve a broader range of actors. However, there was weak cooperation. By 2013, the collapse of the coalition had occurred, and the PML-N was back in opposition. Corruption and mismanagement allegations had destroyed public confidence.

Rising Polarisation and the PTI Era (2013–2023)

Post-2013 was marked by the emergence of the Pakistan Tehreek-e-Insaf (PTI), led by Imran Khan, which leveraged the anti-corruption discourse and dissatisfaction with dynastic parties. The followers of Khan criticised the validity of the 2013 election and held giant sit-ins. The PTI political form exposed bipartisan collaboration to the challenges of its confrontational politics. In 2018, Khan was made prime minister following allegations of military fraud and selective responsibility. The security establishment was accused by opposition parties of favouring the PTI and attacking its rivals (Ahmad, 2025). The polarisation that followed weakened the informal rules of reconciliation that the CoD had tried to inculcate. Social media gave more attention to divisive stories and fake news, and talk shows aired treason and corruption accusations. The electoral process has lost public confidence.

The 2024 General Election and Government Formation

A new turning point was reached in the February 2024 general election. PTI candidates, who had to compete as independents after losing their party symbol due to a ban by the Election Commission, still secured the most significant number of seats. However, they did not have an absolute majority. It was immediately agreed that the rival parties would form a coalition. On 13 February 2024, the Pakistan Muslim League Nawaz (PMLN) and the Pakistan People's Party (PPP) declared they would make the next government, making sure PTI would not go back to power.

(Arshad, R., 2024). PTI disapproved of the coalition as a 'mandate thieves' alliance, which it claimed had been handicapped by administrative obstacles and jail time for its candidates.

This coalition also emulated the power-sharing process of the Pakistan Democratic Movement (PDM), which had temporarily removed Khan in 2022. Zardari made a public appeal to the PTI to participate in reconciliation and demanded that all political forces unite on the economic and defence agendas (Khan, 2025). PTI was also in decline and opted to be the opposition leader.

The 2024 elections also highlighted the weaknesses in Pakistan's information environment. As observed by rights organisations, the government censored the social media platform X (previously Twitter) during the election period. Although the Court ordered the restoration of service, X continued to go offline every few months (Al Jazeera, 2024). The episode depicts the conflict between government regulation of information and citizens who demand open communication, further complicating the reconciliation process.

Human Rights and Rule of Law Assessments

Unbiased evaluations highlight structural difficulties in Pakistan's democracy. The 2025 update is notable that Pakistan's political rights score is 12 out of 40, and its civil liberties score is 20 out of 60 (Imran, 2025). Although they are generalisations, these metrics highlight the culture of impunity and militarism in the law, which makes post-election reconciliation more difficult.

Rationale for Institutionalising Post-Election Reconciliation

The past and present records show that Pakistan's electoral politics fluctuate between collaboration and conflict. There were reconciliation moments, including the CoD and the 2008 coalition, which facilitated democratic gains but were ad hoc and relied on the personal relationships of the party leaders. On the other hand, trust in institutions was compromised during periods of polarisation, aided by digital misinformation and state censorship. The lack of a post-election reconciliation process is fueling grievances and extending protests and extra-constitutional intrusions. These risks can be reduced by institutionalising reconciliation as a constitutional convention (Peters, 1975). It would indicate to the citizens that voting is not a zero-sum game but a leadership platform. Additionally, reconciling is integrated into a moral system, which would offset the perception that politics is a contest of power.

Several factors support the possibility of such a convention—specifically, precedents for cooperation.

The CoD shows that conflicting parties may agree to observe electoral mandates.

Cultural and religious foundations

The Islamic jurisprudence focuses on reconciliation (sulh) and prevention of fitna (discord). The Quran reminds believers to resolve conflicts peacefully and to avoid spreading discord.

International expectations

The International Monetary Fund (as well as various other donor organisations) associates economic aid with political stability. An institutional reconciliation convention would help assure the world's countries that Pakistan is on the right path of democracy and good governance.

Stability is popular with the people

Several Pakistanis are not interested in partisan victories, but rather in the peaceful economic recovery, security, and governance that the country has been unable to achieve due to years of political disorder.

Towards a Convention of Post-Election Reconciliation

Based on comparative observations and experiences in Pakistan, this section outlines aspects of a convention to institutionalise reconciliation.

Step 1: Acknowledging Election Results

The leaders of all parties contesting should accept the outcome publicly and promise a peaceful transition, as per the Election Commission's announcement. They can, at the same time, declare their willingness to go to Court with any anomalies. The trick is not to make inflammatory utterances or demand extra-constitutional action. The Indonesian study notes that conventions of the constitution come to power through frequent repetition. Regular post-election recognition would, over time, become a standard expectation.

Step 2: Inclusive Victory Speeches and Concession Statements

The winning party should also deliver a victory speech, which should convey well wishes to the losing party, emphasise the importance of unity among the people in the country, and indicate that the party is ready to cooperate. The losing parties are expected to make concession statements, acknowledging the mandate of the winning parties, while also defining their role as a healthy opposition. PTI also did not yield in 2024, but termed the coalition "mandate thieves." Divisions were stiffened by such rhetoric. A convention would serve as a stimulus to less abusive language and help establish a collaborative atmosphere.

Step 3: Formation of a Reconciliation Council

A parliamentary resolution could create a National Reconciliation Council (NRC). The NRC, which would comprise representatives from major political parties, civil society, the Election Commission, religious scholars, and legal experts, would hold a meeting within one week after the election results are announced. Its mandate would be to:

- Create a communication between the victors and the defeated.
- Meet complaints concerning the electoral performance and come up with solutions.
- Government-level: Develop a common agenda on national priorities like economic reforms, social welfare and security.
- Keep track of the execution of reconciliation commitments.

The council would not substitute judicial election petitions; it would provide a political platform to cool the situation. It would make its deliberations public to increase transparency.

Step 4: Joint Legislative Agenda and Governance Pacts

The legislative agendas and power sharing are negotiated between the parties in the countries with hung parliaments or coalition governments. Coalition agreements would have to be published and must cover promises of institutional reforms, anti-corruption efforts, and affirmations of civil liberties in Pakistan, where coalition governments have been the standard since 2008. Parliamentary committees would be invited to contribute to the agenda by opposition parties. For instance, after the 2008 election, PPP and PML-N collaborated on the 18th Amendment. With a formal convention, this cooperation could have survived.

Step 5: Civic Education and Media Responsibility

Politicians are not the only ones to carry out the reconsolidation process. Media organisations play a crucial role in shaping the public discourse. Sensationalism and deep-state narratives in Pakistani news channels tend to go up, and hate speech and disinformation thrive on social media platforms.

The 2024 election demonstrated that international internet blocks established by the state only fuel conspiracy theories. Media regulators and civil society should commit to fact-checking, and stories of cross-party cooperation should be encouraged by a reconciliation convention. Programs of civic education that impart the values of the Constitution and promote the peaceful transfer of power could be incorporated into universities and schools.

Step 6: Legal and Institutional Support

Although conventions are unwritten, they can be strengthened with the aid of legal tools. The Election Act may be amended by parliament, so that parties must sign a Code of Conduct for Reconciliation before submitting nomination papers. The NRC could be convened by the President or a nominated constitutional office (e.g., the Council of Common Interests). By interpreting constitutional principles, such as the right to association and political participation, courts can be construed to guide in a manner that supports inclusive politics. They should also conduct training sessions for judges and lawyers on a progressive legal culture, enabling them to make decisions that promote reconciliation. Indicatively, courts may recommend the use of mediation in cases involving election petitions as opposed to litigation.

Comparative Analysis of Post-Election Reconciliation in Pakistan and Indonesia

Although Pakistan and Indonesia are both democratic states with regular elections under democratic constitutions, the two nations differ significantly in their approaches to post-election reconciliation.

Legal & Constitutional Frameworks

The Constitution of Pakistan, as amended, ensures universal suffrage. It also provides autonomy over transitions through the creation of an independent Election Commission (Article 218) and the authorisation of caretaker governments (Ijaz, 2025). Although the constitution does not establish a formal procedure for what is known as reconciliation, leaders have sought reconciliation through extra-constitutional arrangements, including the Charter of Democracy of 2006.

The amended 1945 Constitution of Indonesia stipulates that regular, free, and fair elections must be held for the legislature and the president. CDLs supervise these elections, including laws such as Law 15/2011, as well as the General Election Commission. In the constitution, there is no statutory body responsible for reconciliation. Instead, researchers suggest that unity following an election should be considered an unwritten constitutional convention that is compatible with Indonesia's progressive legal culture, known as *budaya hukum progresif* (Praptini, 2019).

Electoral Mechanisms & Administration

Pakistan conducts legislative elections of the first-past-the-post type, with reserved seats for women and technocrats, and an indirect presidential vote through an electoral college. The polls are conducted by the Independent Election Commission of Pakistan (IECP); a parliamentary committee nominates its members, and the President makes the appointments. Caretaker administrations, which are also members of a constitutional convention, are neutral suppliers of oversight in campaigns. The Indonesian legislature is elected through a system of proportional representation. In contrast, the President and Vice President are elected through a direct popular vote, with a runoff held if no candidate receives a majority. The President opens the polls with the help of an election body known as the independent KPU, which is elected through a competitive selection process and also organises the elections. The second body is the Bawaslu, which

monitors the polls, and the third is the DKPP, which adjudicates the misconduct of officials. A centralised voter database, SIDALIH and the e-KTP identity program increase the integrity of the voter roll.

Reconciliation Practices (institutional/informal)

Practically, the post-election reconciliation of Pakistan has depended on the party agreements and coalitions. Following 2008, the two leading opponents (PPP and PML-N) had signed the 2006 Charter of Democracy and pledged to avoid undemocratic methods and share power. Such coalition-making yielded a consensus exceedingly broad, such as on constitutional amendments. A formal reconciliation commission does not exist; defeated parties bargain for their place in government, such as becoming coalition party members, or seek legal redress through the courts or caretaker provisions.

There is no formal reconciliation commission in Indonesia, but there is an influential culture of accepting election outcomes. Defeated presidential nominees (e.g. Prabowo in 2014 and 2019) generally admit defeat publicly and frequently join coalitions in government, which strengthens unity. Informal peace promises have at times been brokered by civil society and religious leaders to avoid post-election violence.

Lawyers recommend the codification of reconciliation as a constitutional convention of ethical force, to ensure that political personalities promote unity and minimise divisions following elections. Practically, the post-vote reconciliation in Indonesia is conducted through political tradition and ethical appeals, rather than a legal procedure.

Progressive Legal Culture / Ethical Frameworks

The Constitution of Pakistan provides a structure founded on fundamental principles and the unity of the country, but lacks the legal culture doctrine. This is why political leaders have often defined reconciliation either in moral or Islamic terms. Indicatively, Prime Minister Benazir Bhutto introduced a "Philosophy of Reconciliation calling upon opponents to honour one another with mandate and to concur- the very tenets of her 2006 Charter of Democracy. The public good and democratic norms are occasionally referred to in more recent coalition agreements, but this is not an official statement.

Indonesia has officially integrated a new model, called Budaya Hukum Progressiv (progressive legal culture), developed by constitutional scholars and the Constitutional Court. This model emphasises the values of the community, consensus building, and ethical governance. Scholars suggest that post-election reconciliation should be grounded in a moral-ethical theory or convention embedded in the country's legal culture, and leaders must adhere to superior principles of unity after elections, which embody the noble values of society (Setyawan, 2025).

No Pakistani equivalent of this approach exists. The Indonesian discourse directly connects reconciliation to common cultural and moral standards, whereas Pakistan resorts to religious-legal traditions, such as sulh (reconciliation) and ad hoc agreements at the elite level. (e.g., "see Table 1").

Table 1: Comparative analysis of post-election reconciliation in Pakistan and Indonesia

Dimension	Pakistan (post-election context)	Indonesia (post-election context)
Legal & constitutional frameworks	• 1973 Constitution (amended) → universal suffrage, independent ECP (Art. 218) • Caretaker governments during transitions • No formal reconciliation law • Extra-constitutional pacts (e.g. 2006 Charter of Democracy)	• Amended 1945 Constitution → regular free elections • KPU (General Election Commission) under Law 15/2011 • No statutory reconciliation body • Scholars propose post-election unity as a constitutional convention linked to budaya hukum progresif
Electoral mechanisms & administration	• First-past-the-post for National Assembly • Reserved seats (women/technocrats) • Indirect presidential vote (electoral college) • Elections run by ECP (members nominated via parliament, appointed by President) • Caretaker governments ensure neutrality	• Proportional representation (legislature) • Direct presidential elections (runoff if needed) • Administered by: – KPU (organization) – Bawaslu (oversight) – DKPP (ethics) • e-KTP ID & SIDALIH voter database strengthen rolls
Reconciliation practices	• Reliance on elite agreements & coalitions • Example: PPP–PML–N coalition after 2008 (via Charter of Democracy) • No reconciliation commission • Losers expected to: – join coalitions, or – pursue court petitions	• No reconciliation commission • Norm of conceding results (e.g. Prabowo 2014, 2019) • Losing candidates often co-opted into government • Civil society/religious leaders broker peace pledges • Scholars advocate codifying reconciliation as an ethical constitutional convention
Civil–military relations	• Military dominant actor in politics • History of coups (1977, 1999) & interventions (2007 emergency) • 2024 elections: voters signaled fatigue with military role • Still exerts influence on elections/governments	• TNI depoliticized post-1998 • Law 34/2004 → no legislative seats, confined to defense • Civilian oversight since 1999 • 1998 polls: strong public demand for military exit from politics • Retired generals can contest as civilians (e.g. Prabowo)
Media environment & trust	• Large, competitive media sector • Highly politicized; outlets linked to parties • Censorship and broad laws restrict dissent • Social media campaigns amplify polarization • Public mistrust in electoral news growing	• Formally free, but politically tied conglomerates • Elections (2014, 2019): heavy propaganda & opinion manipulation • Reduced diversity of political discourse • Online citizen media adds pluralism • Press Council issues fairness guidelines • Moderate trust in elections; rising concerns over fake news

Progressive legal culture / ethics

- Constitution references Islam & unity, but no legal culture doctrine
- Benazir Bhutto's "Philosophy of Reconciliation" (2006 CoD) stressed respecting mandates
- Coalition pacts framed as moral/democratic duty
- Relies on Islamic-legal concepts (sulh – peace) and elite bargains

- Explicit doctrine: Budaya Hukum Progresif
- Developed by scholars & Constitutional Court
- Emphasizes ethics, consensus, communal values
- Reconciliation framed as moral-ethical convention
- Leaders expected to uphold unity based on "noble values" of society

Findings and Recommendations**Theoretical Interpretation**

Three overlapping theoretical frames can be used to explain the empirical trends identified in this research, episodic elite bargains, poor institutionalization of reconciliation, and recurrent polarization. First, the elite bargaining theory demonstrates why reconciliation can be seen as ad-hoc settlements: In weak institutions, political elites can have their negotiated settlements as the means of gaining a short-term stability and access to state resources. Such compromises bring a degree of short-lived equilibrium but they do not generate long-lasting norms since they are leader-based instead of being institutionalized. Second, transitional and restorative justice theories point out to the possibilities of ADR and community mediation to restore political relationships under condition of safeguards: restorative practice focuses on dialogue, recognition of harm and reparation but not on punitive accountability which is more appropriate in inter-party relationships when the law is seen as selective. Third, the norm internalization theory (constitutional convention literature) explains how recurrent civic practices including regular statements of concession and publicly binding coalition agreements may develop binding normative power without being codified. Internalization however, is rate sensitive to incentives (electoral, reputational and institutional) as well as the availability of believable enforcers or social validators, e.g., an NRC or an independent ECP. These frameworks collectively imply institutionalization must (a) involve the establishment of mechanisms that dis-incentivize elite actors to employ zero-sum strategies (b) establish restorative/legal procedures that pursue grievances in ways that are not perceived to be partisan (c) and repeat visible practices which over time become normative a constitutional convention encouraged by a progressive legal culture and not a legalistic reform.

Addressing Challenges to Reconciliation

Although the suggested convention has provided a guide, a number of obstacles might hinder its following and effectiveness.

Entrenched Polarization

Pakistan political discourse is now very personal and hostile. Leaders tend to present competitors as existential threats and not as legitimate rivals. Leaders need to set an example of civility despite the persistence of disagreements. This can be backed by religious doctrines, the Prophet Muhammad used to mediate between tribes by preaching justice and tolerance.

Civil–Military Relations

Military has always played a role in politics, be in direct interventions with coup or indirectly through judicial manipulation, covert intelligence and manipulations on the media. According to Freedom House, the military has a colossal influence on the behavior of elections, formation of

government, and policies. Any reconciliation convention should then renew the civilian supremacy and discourage the military interference. Civilian's leaders should also not be persuaded to bring in the military to solve political differences.

Selective Accountability and Rule of Law Deficits

Pakistan tends to use accountability mechanisms against political adversaries. Courts have been accused of being choosy on which parties to attack and disregard corruption elsewhere. As can be seen in the international best practices, like the Truth and Reconciliation Commission in South Africa, accountability can be consistent with reconciliation when they are concerned with telling the truth and reparation, but it should not be retribution.

Media Censorship and Information Control

The lack of trust in the state is caused by the heavy-handed policy towards informational control. This issue is highlighted by the 2024 X ban. In order to support the reconciliation, the government must make sure that regulations regarding social media are clear, reasonable and have independent control. Responsible online behavior can be encouraged by campaigning on digital literacy which could be more effective than blanket shutdowns.

Economic Pressures and Governance Failures

The economic crisis faced by Pakistan, the high inflation rate, the low growth and the external debt, provide a good breeding ground to instability in politics. Economic grievances are among the means with which parties mobilize their supporters and discredit their opponents. Thus, the convention must contain joint promises on the economic reforms and equal distribution of resources. International donors can also induce collaboration by conditioning aid on improvements in the governance indicators.

The Role of Progressive Legal Culture

Reconciliation as an institutionalization is not merely a procedural issue, but it involves a change in legal culture. Progressive legal culture considers law as a living tool that has to be responsive to the moral values of society. This change in Pakistan entails a few dimensions:

Integrating morality into law school

Not only black-letter law, but jurisprudential ethics, Islamic legal principles of mercy and justice, and comparative information about the transitional justice should be taught in law schools. The students are to participate in the moot courts and community mediation programs to practice problem solving.

Making the judicial discourse human

In many cases, judges apply the use of the formalistic reasoning which is not in touch with the real world. Progressive legal culture promotes judges to take into consideration the overall implications of decisions on social peace. One such example is during the adjudication of political disqualifications; the court might consider the effect on the democratic representation and voter trust.

Dispute resolution in the community

In rural Pakistan, communities are likely to resolve conflicts using jirga or the panchayat authorities. Although these mechanisms are sometimes in breach of the human rights, they also reflect the communal traditions of reconciling. By incorporating the positive elements, including

restorative justice and communal consent, into the formal legal process, the reconciliation would be encouraged.

Linking law to development

The progressive legal culture perceives the relationship between law and the socio-economic progress. Political grievances can be created by laws that are based on inequality; they can be diffused by reforms that lead to inclusive growth. In this way, a convention on reconciliation ought to be supported by policies to ensure the structural differences among provinces, ethnic groups, and social classes.

Conclusion

The process of democratic consolidation in Pakistan is characterized by periods of co-operation and conflict. Elections are a source of legitimacy but acrimony is created. The Charter of Democracy and the 2008 coalition government demonstrates that the opponents are able to reconcile and cooperate. The 2024 events, a polarizing election, social media censorship, coalition talks and reconciliation demands, help to highlight that there is a clear urgency in the implementation of structured mechanisms to mend divisions. A way out would be institutionalizing post-election reconciliation as a constitutional convention. Through embracing repeated efforts like open reception of findings, inclusion speeches, the establishment of a reconciliation council, common governance agendas and civic education programs, Pakistan will eventually create an unwritten rule that leads to unity.

The ethical basis of this paper is based on progressive legal culture. It encourages legal players to make compassion, justice and common welfare more important than strict formalism. Integrating the aspects of reconciliation into the progressive legal culture will make the convention appealing to the Islamic and cultural background of the Pakistani nation and contribute to the long-term stability.

It is time that the politics of Pakistan be redefined by the political leaders of the nation, jurists and even the civil societies and citizens to have a vision of politics that not only glorifies diversity but also makes unity a priority. The decision to transform post-election reconciliation into a constitutional convention will allow Pakistan to make a bold move toward cementing its democracy and improving national unity.

References

- Afzal, M. (2024). Pakistan's surprising and marred 2024 election, and what comes next. *Brookings*. <https://www.brookings.edu/articles/pakistans-surprising-and-marred-2024-election-and-what-comes-next/> *Brookings*
- Ahmad, I. (2025). Political Instability and Polarization: The Case of Imran Khan and PTI on X (Twitter). *Policy Journal of Social Science Review*, 3(8), 523-530.
- Al Jazeera. Pakistan says it blocked social media platform X over 'national security'. 17 Apr 2024. <https://www.aljazeera.com/news/2024/4/17/pakistan-says-it-blocked-social-media-platform-x-over-national-security>
- Ali, M., & Shahid, M. R. (2022). The Charter of Democracy (2006) and the way forward. *Journal of Indian Studies*, 8(02), 355-368.
- Arshad, R. (2024). The crisis of democracy in Pakistan—The general elections of February 2024. *International Journal of Scientific Engineering and Science*, 8(4), 6-14.

- Aulia, Muhammad Zulfa, Bimo Fajar Hantoro, Wawan Sanjaya, and Mahrus Ali. "The Use of Progressive Law Phrase in Constitutional Court Decisions: Context, Meaning, and Implication." *Jurnal Konstitusi* 20, no. 3 (2023): 423–50. <https://doi.org/10.31078/jk3034>.
- Behuria, A., & Shukla, A. (2024). Making Sense of Elections in Pakistan: Challenges Galore. *Strategic Analysis*, 48(2), 131-144.
- Bibi, F., Jameel, S., & Jalal, S. U. (2018). What is democracy? Challenges for democracy in Pakistan. *Global Political Review*, 3(1), 66-75.
- Brasted, H., Ahmed, I., & Orakzai, S. B. (2018). Whither Pakistan: The ambivalence of constitutional road mapping? In *Governance and political adaptation in fragile states* (pp. 167-194). Cham: Springer International Publishing.
- Farwa Aamer. Navigating Pakistan's Political Labyrinth: Post-Election Insights. February 28th, 2024. Asia Society. <https://asiasociety.org/policy-institute/navigating-pakistans-political-labyrinth-post-election-insights>
- Ijaz, A., & Yasin, W. (2025). Electoral Reforms in Pakistan: A Judicial Appraisal of the Election Commission's Powers and Functions. *Journal of Applied Linguistics and TESOL (JALT)*, 8(2), 11-19.
- Imran Ahmed & Muhammad Saad Ul Haque. Unpacking Pakistan's 2024 General Elections and the Aftermath. 11 April 2024. NUS Institute of South Asian Studies (ISAS). <https://www.isas.nus.edu.sg/papers/unpacking-pakistans-2024-general-elections-and-the-aftermath/>
- Imran, M., & Kazmi, S. S. (2025). The Rule of Law Crisis and its Implications on National Security in Pakistan. *Journal of Political Studies*, 32(1), 36-57.
- Institute of South Asian Studies (ISAS), NUS. (2024). Unpacking Pakistan's 2024 general elections and the aftermath. NUS Institute of South Asian Studies. <https://www.isas.nus.edu.sg/papers/unpacking-pakistans-2024-general-elections-and-the-aftermath/> ISAS
- Jaconelli, J. (2005). Do constitutional conventions bind? *The Cambridge Law Journal*, 64(1), 149-176.
- Khan, A. A. (2025). Coalition Politics in Pakistan: Historical Evolution, Political Travesties and the Future of Democracy. *Journal of Asian Development Studies*, 14(1), 909-919.
- Kuraishi, A. (2023). Insights from South Asia: A Case of 'Post-truth' Electoral Discourse in Pakistan. *Intelligent and autonomous: Transforming values in the face of technology*, 390, 144-163.
- Kureshi, Y. (2024). The People's Court: Dissonant Institutionalization and Judicial Populism in Pakistan. *Law & Social Inquiry*, 1-32.
- Mehmooda, S. A., et al. (2024). Restorative Justice in Pakistan: Integrating Traditional Practices with Formal Legal Systems for Community Healing and Rehabilitation. *Journal of Education and Social Studies*, 5(2), 622–630. <https://doi.org/10.52223/jess.2024.5241>
- Mehmooda, S. A., Rehman, T. U., Shah, S. M. M. H., Shahzad, S. A., Zawar, A., Usmani, M. A., & Bukhari, S. A. A. (2024). Restorative Justice in Pakistan: Integrating Traditional Practices with Formal Legal Systems for Community Healing and Rehabilitation. *Journal of Education and Social Studies*, 5(2), 622–630.
- Michael Rubin. Pakistan needs a truth and reconciliation commission. March 12, 2025. *American Enterprise Institute*. <https://www.aei.org/op-eds/pakistan-needs-a-truth-and-reconciliation-commission/>
- Nelson, M. J. (2025). Pakistan in 2024: Reconstituting a Hybrid Regime. *Asian Survey*, 65(2), 202-213.
- Peshimam, G. N. (2024, February 12). How will Pakistan form a coalition government after split election results? Reuters. <https://www.reuters.com/world/asia-pacific/how-will-pakistan-form-its-next-government-2024-02-12/> Reuters
- Peters, J. G. (1975). The Post-Election Behavior of the American Electorate: A Theory Of Electoral Reconciliation. *University of Illinois at Urbana-Champaign*.
- Praptini, S., Kusriyah, S., & Witasari, A. (2019). Constitution and Constitutionalism of Indonesia. *Jurnal Daulat Hukum*, 2(1), 7-14.

- Prasetio, D. E., Masnun, M. A., & Noviyanti, N. (2025). Post-Election Reconciliation in 2024 as a Constitutional Convention in Indonesia: A Progressive Legal Culture Perspective. *Jambura Law Review*, 7(1), 176-196.
- Rasool, A. R. A. (2022). Harmonizing Tradition with Modernity: Analyzing the Evolution of Mediation in Pakistan's Legal Landscape. *Indus Journal of Law and Social Sciences*, 1(2), 1-4.
- Reayat, N., Shah, A. U. M., Kaleem, M., & Shah, S. A. A. (2020). The Supreme Court of Pakistan and Institutionalization: The Case Study of National Reconciliation Ordinance. *International Journal of Management Research and Emerging Sciences*, 10(2).
- Rehman, Z. U., Khan, A. U., & Faheem, H. (2023). Anti Extremism Strategy: Building the National Harmony in Pakistan. *Annals of Social Sciences and Perspective*, 4(1), 41-50.
- Setyawan, V. P. (2025). The Relevance of Progressive Law in Legal Reasoning in Indonesia. *NOLAN-Noblesse Oblige Law Journal*, 2(1), 165-178.
- Verdeja, E. (2014). What is political reconciliation. *Mobilizing Ideas*, 3, 2014.
- West, C. (1990). The Role of Law in Progressive Politics. *Vanderbilt Law Review*, 43(6), 1797.